

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BOARD OF TRUSTEES OF THE LEATHER GOODS
PLASTICS HANDBAGS AND NOVELTY WORKERS
UNION, LOCAL 1 JOINT RETIREMENT FUND,

Plaintiff,

MEMORANDUM & ORDER
11-CV-1784(JS)(WDW)

-against-

STEIN FISH CO., INC.,

Defendant.

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APPEARANCES

For Plaintiff: Jonathan R. Friedman, Esq.
UFCW Local 342
166 E. Jericho Turnpike
Mineola, NY 11501

For Defendant: No appearances.

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge William W. Wall's Report and Recommendation ("R&R"), issued on April 12, 2012. For the following reasons, the Court ADOPTS this R&R in its entirety.

BACKGROUND

Plaintiff Board of Trustees of the Leather Goods, Plastic, Handbags and Novelty Workers Union, Local 1 Joint Retirement Fund ("Plaintiff") commenced this action on April 12, 2011 seeking payment of withdrawal liability, accrued interest, attorneys' fees, and costs pursuant to Sections 502 and 4201 of the Employee Retirement Income Security Act of 1974 ("ERISA"),

29 U.S.C. §§ 1132, 1381. Defendant did not answer the Complaint or otherwise appear in the action. Plaintiff moved for an entry of default on July 25, 2011 (Docket Entry 3), which was entered by the Clerk of the Court on July 26, 2011 (Docket Entry 5). On November 1, 2011, Plaintiff moved for default judgment and an award of damages (Docket Entries 6-7), and on November 2, 2011, the Court referred Plaintiff's motion to Judge Wall (Docket Entry 8).

Judge Wall issued an R&R on April 12, 2012 recommending that a default judgment be granted and that Plaintiff be awarded \$26,240.31, broken down as follows: (1) \$22,587.00 in withdrawal liability, (2) \$598.81 in interest, (3) \$2,660.00 in attorneys' fees, and (4) \$394.50 in costs.

No party has objected to any portion of Judge Wall's R&R.

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Here, no party objected to Judge Wall's R&R. And the Court finds his R&R to be correct, comprehensive, well-reasoned and free of any clear error. Accordingly, the Court ADOPTS it in its entirety.

CONCLUSION

Judge Wall's R&R is ADOPTED in its entirety. Plaintiff is awarded a default judgment and damages in the following amounts:

- (1) \$22,587.00 in withdrawal liability;
- (2) \$598.81 in interest;
- (3) \$2,660.00 in attorneys' fees; and
- (4) \$394.50 in costs.

The Clerk of the Court is directed to enter a Judgment consistent with this Memorandum and Order and to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: June 12, 2012
Central Islip, NY